Amendment and Response under 37 C.F.R. 1.116
Applicant: Ravi Chandar et al.
Serial No.: 09/895,760
Filed: June 29, 2001
Docket No.: 10008058-1
Title: SYSTEM AND METHOD FOR DETERMINING COMPUTER ACCESS WITH ELECTRONIC
PAYMENT MECHANISM

REMARKS

The following remarks are made in response to the Final Office Action mailed October 20, 2004. Claims 12 and 16 have been cancelled. Claims 13-15 have been allowed. Claims 1-11 and 17-20 were rejected. With this Response, claims 1, 11, and 17-20 have been amended. Claims 1-11 and 17-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1-11, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidemer, U.S. Patent No. 5,155,680 (Weidemer) in view of Eggers et al. U.S. Patent No. 4,920,432 (Eggers). Applicant submits that the Weidemer and Eggers references fail to disclose the invention of independent claim 1.

Amended independent claim 1 recites a method of public access computing including providing a computer system workstation and permitting a user access to at least one of a software application and an input/output device of the computer system workstation. Access is permitted **upon obtaining payment authorization from a financial instrument of the user via a financial instrument reader.**

Weidemer discloses a security software and billing system with an enciphered application program that enables use of the application program only after operation of a billing module and then after execution of a security program to decipher the application program using a code from the billing module. See Weidemer Column 5, lines 60-65 to Column 6, lines 1-25. Accordingly, Weidemer is unlike Applicants' claimed method in that Weidemer requires additional security steps (after confirmation of billing credit availability) before access to the application program is permitted. In contrast, Applicants' method permits access to the at least one software application upon obtaining payment authorization without requiring further security steps as are required in Weidemer.

Moreover, Applicants' method specifies obtaining payment authorization for a **financial instrument** (such as a credit card, debit card, check) of the user via a financial instrument reader. In contrast, Weidemer does <u>not</u> disclose obtaining payment authorization from a financial instrument but rather from a billing module that is a removable memory

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device that is removably insertable into a security module 16. See Weidemer at Column 4, lines 32-62.

Eggers discloses a system allowing remote access to a video library from remote locations such as in hotel rooms, and does not address payment authorization from a financial instrument via a financial instrument reader, as claimed by Applicants.

Accordingly, neither reference, discloses a method of public access computing including permitting a user access to a software application or an input/output device of a computer system **workstation upon obtaining payment authorization for a financial instrument of the user via a financial instrument reader.** Accordingly, one could not combine Weidemer in view of Eggers and arrive at the invention of independent claim 1. Applicant believes that independent claim 1 is patentable and allowable over Weidemer and/or Eggers, and therefore, respectfully requests that the above rejection of independent claim 1 therefrom, under 35 U.S.C. § 103(a) be withdrawn. Dependent claims 2-10 are believed to be allowable as well based on their dependency from independent claim 1.

Amended independent claim 11 recites a method of public access computing including providing a computer system workstation and displaying a user interface on a display of the computer system including a representation of the at least one software application of the computer system as part of preventing access to the at least one software application. The method also includes **electronically reading a financial instrument** and obtaining electronic payment authorization from the financial instrument to enable bypassing the representation of the at least one software application to thereby permit access to the at least one software application based on payment authorization.

First, Applicants' method specifies obtaining payment authorization from a **financial instrument** (such as a credit card, debit card, check) of the user. In contrast, Weidemer does not disclose obtaining payment authorization from a financial instrument but rather checking credit availability from a billing module that is a removable memory device that is removably insertable into a security module 16. See Weidemer at Column 4, lines 32-62. Eggers discloses a system allowing remote access to a video library from remote locations such as in hotel rooms, and does not address obtaining payment authorization from a financial instrument, as claimed by Applicants.

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Second, neither Weidemer nor Eggers discloses a method in which obtaining electronic payment authorization from a financial instrument (by electronically reading the financial instrument), **enables bypassing the representation of the at least one software application to thereby permit access to the at least one software application based on payment authorization.**

Instead, Eggers discloses a user-interface program on user terminal 8 that "may be the only software that can be run" because that user interface is for allowing a user to request the system to play any video segment on their monitor, see Eggers Column 4, lines 55-66, as part of the system of Eggers to provide video access. Eggers does not disclose the user interface as being a representation of a software application, nor that bypassing the representation of a software application, via obtaining payment authorization for a financial instrument, will permit access to a software application, as claimed by Applicant.

Weidemer does not address displaying a representation of a software application as part of preventing access to a software application, as claimed by Applicant.

For these reasons, Weidemer and Eggers, alone or in combination, fail to teach or suggest applicants' amended claim 11, which therefore patentable and allowable over claim 11. Applicant respectfully requests that the above rejection of independent claim 11 under 35 U.S.C. § 103(a) be withdrawn and that claim 11 be allowed.

Amended independent claim 17 recites a computer access system comprising an electronic payment mechanism and a controller. The electronic payment mechanism electronically obtains payment authorization for a financial instrument, including at least one of a credit card and a debit card, via a financial instrument reader. The controller is in communication with the electronic payment mechanism and is connectable to a computer system workstation to enable selective access to the computer system workstation upon payment authorization via the electronic payment.

For substantially the same reason as presented for patentability of amended independent claim 1, Applicants believe that amended independent claim 17 is patentable and allowable over Weidemer and Eggers. Moreover, Applicant has amended claim 17 to alleviate the concerns regarding "non-functional descriptive terms" in the claims. Finally,

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Applicant believes that is has placed claim 17 in the form indicated as allowable, but objected to, in the first Office Action.

Accordingly, Applicant respectfully requests that the above rejection of independent claim 17 under 35 U.S.C. § 103(a) be withdrawn and that claim 17 be allowed.

Amended independent claim 18 recites a selective access computer system including an electronic payment mechanism including **a reader configured for obtaining electronic payment authorization for a user's financial instrument**. The system also comprises at least one input/output device and a computer workstation, which includes at least one software application, a resource tracker and a user interface. The resource tracker is for determining a cost of using the computer system based on an amount of time of use and quantity of use of at least one software application of the computer workstation and the at least one input/output device. A user interface is configured for permitting access to at least one of the at least one software application and the at least one input/output device upon payment authorization, via the electronic payment mechanism, for an estimated amount of the cost of using the computer workstation.

For substantially the same reasons presented for the patentability of claim 1, neither Weidemer nor Eggers disclose, either alone or in combination, a selective access computer system including, among other things: (1) an electronic payment mechanism including a reader configured for obtaining electronic payment authorization for a user's financial instrument; and (2) a user interface <u>permitting access at the computer workstation</u> to at least one of the at least one software application and the at least one input/output device <u>upon payment authorization ,via the electronic payment mechanism, for an estimated amount of the cost of using the computer workstation.</u> Accordingly, Applicant respectfully requests that the above rejection of independent claim 18 under 35 U.S.C. § 103(a) be withdrawn and that claim 18 be allowed.

Amended independent claim 19 recites a computer-readable medium having computer-executable instructions for performing a method of permitting selective computer system access. The method includes permitting access to at least one of a software application and an input/output device of the computer system **upon obtaining payment authorization for a financial instrument of the user via a financial instrument reader.**

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Applicant believes that amended independent claim 19 is patentable for substantially the same reasons presented for the patentablity of claim 1, as applied to claim 19 in that neither Weidemer nor Eggers disclose, either alone or in combination, a method that includes permitting access to at least one of a software application and an input/output device of the computer system upon obtaining payment authorization for the user's financial instrument via a financial instrument reader. Accordingly, Applicant respectfully requests that the above rejection of independent claim 19 under 35 U.S.C. § 103(a) be withdrawn, and that claim 19 be allowed.

Amended independent claim 20 recites a computer user interface with a screen saver display configured for appearing when a user is not financially authorized to use the computer system and a desktop display configured for appearing **when a user is financially authorized to use the computer system when authorization is obtained via a financial instrument reader.**

First, as admitted in the Office Action, Weidemer fails to disclose a screen saver display configured for appearing on a monitor of a computer system when a user is not financially authorized to the use the computer system to thereby prevent use of the computer system.

Second, Applicants' user interface specifies authorization via **financial instrument reader** (for reading financial instruments such as credit card, debit card, check) of the user. In contrast, Weidemer does not disclose obtaining payment authorization from a financial instrument but rather confirming credit availability from a billing module that is a removable memory device that is removably insertable into a security module 16. See Weidemer at Column 4, lines 32-62.

Eggers discloses a system allowing remote access to a video library from remote locations such as in hotel rooms, and does <u>not</u> address obtaining payment authorization from a financial instrument, as claimed by Applicants. Instead, Eggers discloses a user-interface program on user terminal 8 that may be the "only software that can be run" because that user interface is for allowing a user to request the system to play any video segment on their monitor, see Eggers Column 4, lines 55-66, as part of the system of Eggers to provide video access. Accordingly, Eggers does <u>not</u> disclose its user interface as being a screen saver, nor

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that obtaining payment authorization via a financial instrument that will enable display of a desktop display of the computer system, as claimed by Applicant.

For these reasons, neither Weidemer nor Eggers disclose, either alone or in combination, a user interface with a screen saver display configured for appearing when a user is not financially authorized to use the computer system and a desktop display configured for appearing when a user is financially authorized to use the computer system when authorization is obtained via a financial instrument reader.

Accordingly, Applicant respectfully requests that the above rejection of independent claim 20 under 35 U.S.C. § 103(a) be withdrawn, and that claim 20 be allowed.

Allowable Subject Matter

Applicants acknowledge the allowance of claims 13-15 over the prior art record.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-11 and 17-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-11 and 17-20 is respectfully requested.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of December, 2004.

By _____
Name: Paul S. Grunzweig